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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,680	10/22/2003	Aaron Seung-Joon Rhee	DOW-31780	6141

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EXAMINER

DANIELS, MATTHEW J

ART UNIT

PAPER NUMBER

1732

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/690,680

Applicant(s)

RHEE ET AL.

Examiner

Matthew J. Daniels

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/24/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. **Claims 1-8** are rejected under 35 U.S.C. 102(b) as being anticipated by Matteodo (USPN 5132344). **As to Claim 1**, intended use language is only given patentable consideration to the extent that it affects the claimed method. Matteodo teaches film blowing (5:26) a composition containing a first linear low density polyethylene resin (2:63-64) and 100 ppm by weight of zinc oxide particles having a mean particle size of 0.05 microns (3:33 and 2:35-36). **As to Claim 2**, Matteodo teaches 100 ppm (2:35-36). **As to Claim 3**, Matteodo teaches 100 ppm (2:35-36). **As to Claim 4**, this aspect would have been inherent in the claimed method because Matteodo teaches the same particle, particle size, and weight percent in the same material. **As to Claim 5**, intended use language is only given patentable consideration to the extent that it affects the claimed method. Matteodo teaches mixing an linear low density polyethylene resin with 100 ppm (2:35-36) of zinc oxide having a particle size of 0.05 microns (3:33), and forming the mixture into a film (5:27), which would have inherently had stretch wrap film properties. **As to Claim 6**, mixing was conducted while molten in Matteodo's method (6:24-29). **As to Claim 7**, blow molding is a blown film process (5:27). **As to Claim 8**, the Examiner recites that "cast" is interpreted to mean: "to give a shape to (a substance) by pouring in liquid or plastic form into a

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mold and letting harden without pressure.” Casting therefore appears to exclude methods which form by pressure. However, Matteodo’s rotomolding operation would have inherently been a casting process lacking pressure (5:26-27) and would have inherently produced a film by a “cast film process.”

2. **Claims 1-7** are rejected under 35 U.S.C. 102(b) as being anticipated by McKinney (USPN 4430289). **As to Claim 1**, intended use language is only given patentable consideration to the extent that it affects the claimed method. McKinney teaches film blowing (Abstract, line 3) a composition containing a first linear low density polyethylene resin (4:25) and 500 ppm by weight of zinc oxide particles having a mean particle size of less than 0.05 microns (3:35-40 and 4:20-21). **As to Claims 2 and 3**, McKinney teaches 100 ppm (3:36-37). **As to Claim 4**, this aspect would have been inherent in the claimed method because McKinney teaches the same particle, particle size, and weight percent in the same material. **As to Claim 5**, intended use language is only given patentable consideration to the extent that it affects the claimed method. McKinney teaches mixing a linear low density polyethylene resin with 100 to 500 ppm (3:35-40) of zinc oxide having a particle size of less than 0.05 microns (4:20-21), and forming the mixture into a film (4:36), which would have inherently had stretch wrap film properties. **As to Claim 6**, mixing was conducted while molten in McKinney’s method (5:14-37). **As to Claim 7**, blow molding is a blown film process (4:37 and 5:1-13).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over McKinney (USPN 4430289) in view of Ealer (USPN 4594213). Claim 5 was rejected over McKinney. See the rejection of Claim 5 above under 35 USC 102(b). **As to Claim 8**, it would have also been obvious to use a cast film process with McKinney's method because Ealer teaches that blow molding and slot cast extrusion can be used interchangeably (Columns 8-9). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Ealer into that of McKinney in order to produce the vastly improved optical properties of slot cast films over those of blow molded films (Ealer 9:56-60).

#### ***Response to Arguments***

4. Applicant's arguments filed 24 October 2005 have been fully considered but they are not persuasive. The arguments appear to be on the following grounds:

- a) The Examiner's statement that the Matteodo film is inherently a stretch film is an error.
- b) The Examiner relies on inherency to argue that the film of McKinney has stretch wrap properties. The inherency arguments applied to Matteodo hold equally well for this rejection
- c) The rejection of Claim 8 over Ealer is not separately argued apart from its dependence on Claim 5.

5. These arguments are not persuasive for the following reasons:

a, b, c) The Applicant's arguments appear to assert that the inherency statement by the Examiner is in error. However, the Examiner submits by meeting all of the method limitations in this application, the pending rejections inherently meet the claim limitations. The Examiner submits that the articles of McKinney or Matteodo both meet the claim limitations because they could also be used as stretch wrap films because they are both capable of stretching (the film could not be blow molded if it could not be stretched) and wrapping (because it is a film), the claim limitations are met. The arguments presented appear to assert that a stretch wrap film is different than what is provided by McKinney or Matteodo, but do not set forth what a stretch wrap film is purported to be, or how it is different than those provided by the references. The remarks appear to differentiate the instant application by the phrase "stretch wrap," but do not appear to outline any process limitations which are not taught by the cited references.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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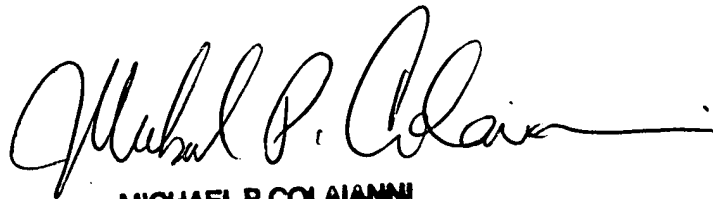
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Daniels whose telephone number is (571) 272-2450. The examiner can normally be reached on Monday - Friday, 7:30 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJD 1/3/06



**MICHAEL P. COLAIANNI**  
**SUPERVISORY PATENT EXAMINER**